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The Feminist Litigation Firm

April 29, 2024

Via ECF

Hon. Arun Subramanian, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *Moore v. Planned Parenthood Federation of America, Inc., et al.*
Case No.: 22-CV-08899-AS

Dear Judge Subramanian,

This firm represents Plaintiff Nicole Moore in the above-referenced action. We write pursuant to Your Honor's Individual Practices in Civil Cases, 11(C)(ii), to respectfully request leave to file documents under seal.

Plaintiff will file a Motion seeking to exclude testimony of Defendants' expert witness, Dr. Steven A. Fayer, pursuant to Rules 702–705 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). As part of that motion, Plaintiff will need to attach Dr. Fayer's Amended Expert Report, various medical records of Plaintiff, and Dr. Fayer's deposition transcripts related to his report and review of medical records. These documents disclose highly sensitive medical information including Plaintiff's physical and psychological treatments and diagnoses. Defendants oppose this request on the basis that Plaintiff's medical history is "at issue" in this case.

Defendants' objection is unreasonable. First, Your Honor's Individual Practices in Civil Cases explicitly state that Plaintiff may "without prior Court approval, redact from their public filings ... medical records [including information regarding treatment and diagnosis]." Rule 11(A). Second, simply because Plaintiff's medical history is "at issue" does not mean her private medical information must be made available to the public. Indeed, one of the crucial purposes of filing documents under seal is to present arguments and documents in dispute to the Court that contain personally sensitive information and should not be made available to the public. Accordingly, Plaintiff requests leave to file the report, medical records, and deposition transcripts under seal.

We thank the Court for its consideration of this letter request.

The documents may be filed under seal. By May 7, 2024, Plaintiff shall file redacted versions on the public docket. Redaction should be strictly limited to sensitive medical information, not every potentially personal aspect of the filings.

Arun Subramanian, U.S.D.J.
Date: April 30, 2024